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ogc 69-1072

SUBJECT: LEGISLATION, S782

6 June 1969

MEMORANDUM FOR THE RECORD

SUBJECT: S.782

1. I called on Larry Conrad, Staff Director, Senate Subcommittee on Constitutional Amendments, in response to his request that I come in to see him. Conrad had a letter addressed to Senator Birch Bayh (D., Ind.) from Senator Sam J. Ervin (D., N.C.) outlining Ervin's proposed course of action on S.782. Conrad asked that I bring him up-to-date on the Agency's position on this bill, which I did, and I also reminded him that Senator Bayh in the last Congress supported a full Agency exemption from the bill and that I presumed he still does. Conrad said he believed this to be true.

2. Conrad said the Senator has asked that he prepare an answer to Ervin's letter, and he proposes a draft along the lines that they still support S.782; that they still believe the Agency should have full exemption from the bill, and that they feel the appearance of the Director before the Subcommittee in executive session would be useful to the members of the Subcommittee in understanding the Agency's objections to the bill, but that if Senator Ervin cannot agree to the Director's appearance in executive session, they believe it would be useful for him to appear before the members of the Subcommittee informally.

3. Conrad suggested that I prepare material for the Senator to use on the floor in the event we fail to obtain a full exemption in the Subcommittee or full Committee. I told Conrad that we had had advice from several members of the Senate not to attempt to fight the bill on the floor, but that I would look into the question of preparing the material for Senator Bayh and we could discuss the question of a floor fight later.

STAT

4. A copy of Senator Ervin's letter to Senator Bayh is attached.

[redacted]

Assistant Legislative Counsel

Att

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BB2

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27 MAY 1969

This is to request your vote on the question of reporting from the Subcommittee S. 782, the bill which you have cosponsored to protect the constitutional rights of employees of the executive branch to prevent unwarranted governmental invasions of their personal privacy.

As you recall, two years ago the Subcommittee favorably reported a similar bill. At that time, the bill had been amended to exclude the FBI from its terms, and to deal with problems the CIA and NSA said they would have under the bill. Further exemptions were given those two agencies in the full committee, before it favorably reported the bill. These amendments were drafted after careful consideration of the written reports of those agencies and after lengthy discussions with their representatives.

On the Senate floor, still another amendment was added to give those security agencies additional powers. The Senate then voted to delete the total exemption for the FBI and to accord that agency the same exemptions as the CIA and the NSA.

In that form, the bill was passed by a 79-4 vote, and by the time absentees had recorded their approval, the total vote was 90-4. Unfortunately, the bill died in House Committee, but, as you know, we reintroduced it in January with 55 Senate cosponsors. S. 782, the new bill, is identical to S. 1035 and contains all the Senate amendments providing certain exemptions for the three agencies.

The CIA has renewed their request for a secret hearing and for total exemption from the terms of the bill. I have informed the Director, Mr. Richard Helms, that the Subcommittee would be happy to receive his views in a public hearing, an invitation which he has apparently rejected. Enclosed is my letter to him and his response.

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BB3

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Mr. Helms has again submitted amendments, which in effect would exempt the CIA, the NSA, and the FBI from the terms of the bill.

While I personally am not disposed to grant his request, I am polling the Subcommittee to determine whether the members still retain their determination of 1967 to accord to these agencies only the exemptions now contained in S. 782.

The extensive hearings conducted in the last Congress on S. 1035 and the staff investigations since then convince me that there is a continuing need for the bill, a need which will be even greater in the years ahead.

I propose to report S. 782 in its present form to the full Judiciary Committee, using the same report which accompanied S. 1035, with language to cover the amendments which were inserted after the bill left the Subcommittee in 1967. Would you advise me of your views on this matter?

It is my hope that we can obtain prompt action in the full committee.

With all kind wishes, I am

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BB4

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MEMORANDUM FOR: Mr. Kenneth E. BeLieu
Deputy Assistant to the
President for Congressional
Relations (Senate)
The White House

Attached is the text of the letter which we understand has been circulated by Senator Ervin to members of his Subcommittee. It indicates things are coming to a head, and it is urgent that we get whatever guidance you, Bryce, and Mr. Ehrlichman can provide. We plan to talk to Senator McClellan's office to see if he has any suggestions. Jack Maury or I, or both, would be glad to come down at any time.

/S/
Lawrence R. Houston
General Counsel
CIA

6 June 1969
(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED. (47)

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